

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AMPEX CORPORATION,

Plaintiff,

v.

EASTMAN KODAK COMPANY,
ALTEK CORPORATION, and
CHINON INDUSTRIES, INC.,

Defendants.

C.A. No. 04-1373 (KAJ)

STIPULATED ORDER FOR ENTRY OF FINAL JUDGMENT

WHEREAS, on October 31, 2006, this Court entered an Order that granted Defendants' motion for summary judgment of noninfringement of U.S. Patent No. 4,821,121 ("the '121 patent");

WHEREAS, the October 31, 2006 Order resolves Plaintiffs' claims of infringement against Defendants and Defendants' counterclaims for a declaration of noninfringement of the '121 patent;

THEREFORE, THE COURT:

1. ADJUDGES AND DECLARES claims 7, 8, and 10-15 of the '121 patent are not infringed;
2. DISMISSES with prejudice Plaintiffs' infringement claims against Defendants;
3. DISMISSES without prejudice Defendants' counterclaims for declaratory judgment of invalidity and unenforceability as to all claims of the '121 patent.

4. ORDERS that defendants may, no later than 60 days after entry of this judgment, or 60 days after either entry of a mandate from the Court of Appeals with respect to any appeal taken from this judgment, or other termination of any appeal taken from this judgment, whichever is later, commence an action renewing its counterclaims in this action for declaratory judgment of invalidity and unenforceability as to all claims of the '121 patent, which action shall for all purposes be treated as a continuation of this action, including the right to seek costs and attorneys' fees, pursuant, *inter alia*, to 35 U.S.C. § 285 and/or Rule 54(d) and Rule 41(d), Fed. R. Civ. P.

Dated: November 20, 2006

MORRIS, NICHOLS, ARSHIT & TUNNELL LLP

CONNOLLY BOVE LODGE & HUTZ LLP

By /s/ Julia Heaney

Jack B. Blumenfeld (#1014)
Julia Heaney (#3052)
1201 N. Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jheaney@mnat.com

Attorneys for Plaintiff

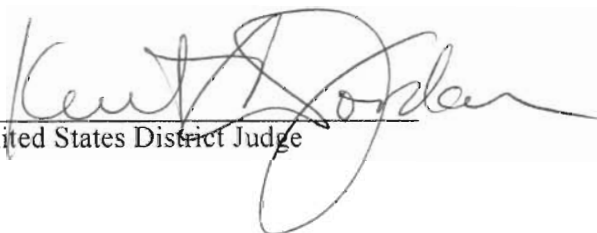
By /s/ Collins J. Seitz, Jr.

Collins J. Seitz Jr. (#2237)
1007 North Orange Street
P.O. Box 2207
Wilmington, DE 19899
(302) 888-6278
cseitz@cblh.com

Attorneys for Defendants

IT IS SO ORDERED.

Dated: November 21, 2006


United States District Judge